



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FRANK DE JESUS,

Plaintiff,

- against -

GREYHOUND LINES, INC.,

Defendant.

**REPORT AND
RECOMMENDATION**

10 Civ. 4065 (PAC) (RLE)

To the HONORABLE PAUL A. CROTTY, U.S.D.J.,

This is a *pro se* action for employment discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e17. Plaintiff alleges that he was discriminated against by Defendant on the basis of his race and national origin. Plaintiff's Complaint was received by the *Pro Se* Office on April 7, 2010, and the matter was referred to the undersigned for general pretrial purposes and dispositive motions requiring a Report and Recommendation on May 20, 2010.

On October 5, 2010, after determining that Defendant had not been served with a copy of the Summons and Complaint, the Court ordered Plaintiff to do so by October 26, 2010, or show cause why the Complaint should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. As of today, Plaintiff has failed to serve Defendant, and has not contacted the Court or otherwise shown good cause why service has not been effectuated. Accordingly, I recommend that the above-entitled action be dismissed without prejudice for failure to comply with Rule 4(m) of the Federal Rules of Civil Procedure.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days after being served with a copy of the recommended disposition to file written

objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court and served on all adversaries, with extra copies delivered to the chambers of the Honorable Paul A. Crotty, 500 Pearl Street, Room 735, and to the chambers of the undersigned, 500 Pearl Street, Room 1970. Failure to file timely objections shall constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985); *Small v. Sec'y of Health and Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (*per curiam*); 28 U.S.C. §636(b)(1) (West Supp. 1995); FED. R. CIV. P. 72, 6(a), 6(d).

DATED: November 19, 2010
New York, New York

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ronald L. Ellis", written over a horizontal line.

The Honorable Ronald L. Ellis
United States Magistrate Judge

A copy of this Report and Recommendation has been sent to:

Frank De Jesus
580 Main Street
Apt. 422
New York, NY 10044